

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12 and 14-23 are pending in the present application. Claims 1-3, 6-9, 14 and 20 are amended; and Claim 13 is canceled without prejudice or disclaimer by the present amendment. Support for the amended claims can be found at least at Figs. 4-6 and their corresponding descriptions in the originally filed disclosure. No new matter is presented.

In the Office Action, Claims 1-23 are rejected under 35 U.S.C. § 102(e) as anticipated by Agrawal (U.S. 6,999,434, herein Agrawal).

In response to the above noted rejection under 35 U.S.C. § 102, Applicants respectfully submit that independent Claims 1-3, 9 and 22 recite novel features clearly not disclosed by Agrawal.

Independent Claim 1, for example, recites, a mobile communication system for transmitting same information to a mobile station via a plurality of cells, the system comprising:

the mobile station configured to receive, ***as receiving method selection information, control information on a neighboring cell*** of a current cell in which the mobile station is located transmitting the same information; and
the mobile station configured to ***determine whether to perform soft combining or selective combining on the same information received, based on the receiving method selection information*** for receiving the same information via the current cell and the neighboring cell.

Independent Claims 2-3, 9 and 22, while directed to alternative embodiments, recite similar features directed to determining, or instructing, soft combining or selective combining of same information received at a mobile station from a plurality of cells.

Turning to the applied reference, Agrawal describes a method and system for performing soft handoff in IP-based CDMA networks. Agrawal, however, describes that the soft handoff is performed only by soft combining data received from a plurality of base

stations 10 at a mobile station 20. Therefore, Agrawal fails to disclose that the mobile station “***determines whether to perform soft combining or selective combining on the same information received***, based on the receiving method selection information”, as recited in independent Claim 1.

In rejecting this claimed feature, the Office Action relies on col. 8, l. 60 – col. 9, l. 2; col. 12, ll. 3-64; col. 13, l. 65 – col. 14, l. 8; and col. 14, ll. 43-57 of Agrawal. Col. 8, l. 60 – col. 9, l. 2 of Agrawal describes a process of transmitting identical packets from both a serving station and a target base station so that the packets can be combined (i.e. soft combining) at the mobile station to facilitate the soft handoff. Col. 12, ll. 3-64 of Agrawal further describes that the base stations transmit information for synchronizing frames at the mobile station, such as a sequence number or a time when the frames arrive at the mobile station from other base stations. Further, col. 14, ll. 43-57 of Agrawal specifically discloses that the identical frames are combined at the mobile station.

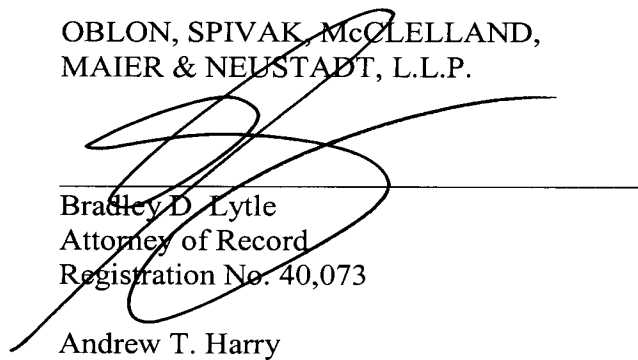
Agrawal, therefore, merely describes a singular process of performing soft combining of identical packets received at the mobile station from a plurality of base stations. Thus, Agrawal fails to disclose that the mobile station “***determines whether to perform soft combining or selective combining on the same information received***” from plural cells, much less that such a determination is made based on received “***receiving method selection information ... on a neighboring cell*** of a current cell in which the mobile station is located transmitting the same information”, which is also a feature required by independent Claim 1.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claim 1 (and the claims that depend therefrom) under 35 U.S.C. § 102 be withdrawn. For substantially similar reasons, it is also submitted that Claims 2-3, 9 and 22 (and any claims that depend therefrom) also patentably define over Agrawal.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-12 and 14-23 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)

Andrew T. Harry
Registration No. 56,959